

REMARKS

This Response is submitted in response to the Non-Final Office Action mailed October 19, 2007. A Petition for a Three Month Extension of Time to respond to the Office Action is submitted herewith. The Commissioner is hereby authorized to charge deposit account 02-1818 for fees which are due in association with this submission.

Claims 21 and 22 are hereby cancelled. Claims 20 and 23-38 are currently pending in this application. Claims 36-38 were previously withdrawn. Claim 20 is in independent form. Claims 20,23,26-30, and 32-35 are hereby amended. No new matter has been added by way of these amendments.

Independent claim 20 has been amended to essentially incorporate the limitations of claim 22 including intervening claim 21. The Office Action rejected claim 22 under 35 U.S.C. 103(a) as being unpatentable over *Dorbecker* (US 6,611,804) in view of *Higley* (U.S. 5,224,105) and *Raychaudhuri* (U.S. 5,122,875). Applicant respectfully traverses this rejection.

Claim 20 recites “suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data” (emphasis added). The Office action states that “Dorbecker and Raychaudhuri substantially teaches the claimed invention described in claim 20 (as rejected above)” (page 9, lines 6-7). Because *Raychaudhuri* was not used in the rejection of claim 20, applicants assume the Examiner intended to recite “Dorbecker and Higley substantially teaches the claimed invention described in claim 20 (as rejected above).” If this assumption is correct, the Office action concedes that the features of claims 21 and 22 now present in claim 20 are not taught by *Dorbecker* and *Higley*.

The Office action states that the idea of suppressing error concealment in a voice decoder in response to a text/voice indicator from a cellular text telephone modem is shown in *Raychaudhuri* at column 6, lines 22-36 and/or column 15, lines 35-50. Applicants completely disagree. There is no discussion of suppressing error concealment based on a text/voice indicator anywhere in *Raychaudhuri*. *Raychaudhuri* simply teaches that “parity check bits are utilized by the receiver for isolating errors in conjunction with synchronizing header information and for providing error concealment in the event of uncorrectable bit errors in the received data” (column 6, lines 28-32). The error concealment mechanism of *Raychaudhuri* is always in place, ready to substitute previous video frames for missing video frames. If certain frames do not have

errors, no substitution is performed. However, the error concealment mechanism is still enabled. There is no discussion in *Raychaudhuri* about suppressing (i.e., temporarily disabling) the error concealment, let alone suppressing the error concealment if a text/voice indicator indicates that the data is cellular text telephone modem text data.

Like *Raychaudhuri*, the error concealment mechanism of the present application is used to replace missing/erroneous data when the data is missing/erroneous. However, unlike *Raychaudhuri*, the error concealment mechanism of the present application may be overridden when receiving cellular text telephone modem text data, so that apparently missing/erroneous information is not replaced, thereby improving the reception of the cellular text telephone modem text data.

Dorbecker, *Higley*, and *Raychaudhuri*, alone and in combination, fail to teach “suppressing an error concealment in the voice decoder if the text/voice indicator indicates that the data is cellular text telephone modem text data” as currently claimed. As a result, claim 20 (and all claims that depend there from) are patentable over *Dorbecker*, *Higley*, and *Raychaudhuri* and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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